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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,368	06/09/2006	Jens Fiedler	071308.0727	5736

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PATENT DEPARTMENT
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EXAMINER

MAWARI, REDHWAN K

ART UNIT	PAPER NUMBER
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3663

MAIL DATE	DELIVERY MODE
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10/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,368	Applicant(s) FIEDLER ET AL.	
	Examiner REDHWAN MAWARI	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/07/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 25, the claimed process (a) does not result in a physical transformation or (b) must be limited to a practical application, which produces a useful, tangible, and concrete result. The claimed process comprises nothing more than receiving and adding data and does not include a practical application of the data. There is no step that includes applying that information to produce any kind of real world result. For process to be statutory, a computer and the descriptive material claimed must act to define a structural and functional interrelationship between the "modeling" steps and the claimed elements of a computer such that a tangible result is realized and therefore useful. More specifically, claims 1, 6 and 11 don't appear to have

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tangible results, i.e. measuring, analyzing; however said claims don't show the results of the measurements and the analysis.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlffmann (EP1 002 709 A2) in view of Streiter (6,000,702) and further in view of Fukada (6,502,023).

Consider claim 1, Schlffmann discloses an arrangement for determining a relative movement of a chassis and a vehicle body of a wheeled vehicle (20) , said vehicle body being movably connected to the chassis,

- a measuring entity which is arranged or can be arranged in the wheeled vehicle wherein the measuring entity is configured to measure three respectively perpendicular linear accelerations of the wheeled vehicle and at least two rotational speeds, each relating to a rotational movement or a component of a

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rotational movement about a coordinate axis of the wheeled vehicle, wherein the at least two coordinate axes run perpendicularly to each other ([paragraph 0013]), and

- an analysis entity which is combined with the measuring entity and is operable to determine a momentary movement position of the relative movement using the three linear accelerations and the at least two rotational speeds ([paragraph 0015]), and (col. 4, lines 34-49)

wherein the analysis entity includes comprises a calculating unit which is operable to calculate a plurality of momentary movement positions using the at least two rotational speeds and the three linear accelerations (col. 6, lines 14-19); however Schlffmann doesn't disclose wherein each of the movement positions is a measure for a distance between the vehicle body and at least one wheel of the chassis

Streiter teaches wherein each of the movement positions is a measure for a distance between the vehicle body and at least one wheel of the chassis (col. 3, lines 41-59). Furthermore, the examiner introduces another reference for more clarification (Fukada col. 1, 30-47).

Accordingly, it would have been obvious to an ordinary skilled person in the art at the time of invention to combine the invention of Streiter and Fukada into the invention of Schlffmann for the purpose of enhancing the accuracy determining the dynamic movement of the vehicle and hence increasing the accuracy of controlling said movements.

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Consider claim 2, Schlffmann further discloses wherein the measuring entity has acceleration sensors for measuring the linear accelerations and rotational speed sensors for measuring the rotational speeds, and wherein the acceleration sensors and the rotational speed sensors are parts of a preprepared hardware unit which is configured for installation in the wheeled vehicle (FIG. 3A).

Consider claim 3, Schlffmann further discloses wherein the measuring entity is configured such that the three linear accelerations can be measured as measured variables which are linearly independent of each other (FIG. 3A).

Consider claim 4, Schlffmann further discloses wherein the measuring entity is configured such that the at least two coordinate axes run perpendicularly to each other as a pair in each case (FIG. 3A).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlffmann (EP1 002 709 A2) in view of Streiter (6,000,702), further in view of Fukada (6,502,023) and further in view of Van De Walle (5,670,872).

Consider claim 5, Van De Walle teaches wherein the analysis entity includes a calculating unit which is configured to calculate the momentary movement position with reference to a spring suspension, in particular a spring suspension which is moderated, between at least one of the wheels of the wheeled vehicle and a vehicle body (abstract).

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Accordingly, it would have been obvious to an ordinary skilled person in the art at the time of invention to combine the invention of Streiter and Fukada and Van De Walle into the invention of Schlffmann for the purpose of enhancing the accuracy determining the dynamic movement of the vehicle and hence increasing the accuracy of controlling said movements.

Consider claim 6, claim 6 is rejected using the same art and rationale used to reject claim 1.

Consider claim 7, claim 7 is rejected using the same art and rationale used to reject claim 2.

Consider claim 8, claim 8 is rejected using the same art and rationale used to reject claim 3.

Consider claim 9, claim 9 is rejected using the same art and rationale used to reject claim 4.

Consider claim 10, claim 10 is rejected using the same art and rationale used to reject claim 5.

Consider claims 11-16, claims 11-16 are rejected using the same art and rationale used to reject claims 1-5.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redhwan Mawari whose telephone number is 571 270 1535. The examiner can normally be reached on 7:30 AM - 5PM Mon-Fri Eastern Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/09/2008

/R. M./

Examiner, Art Unit 3663

/Tuan C To/
for Mawari, Redhwan, Examiner of Art Unit 3663/3600